

NOT INCLUDED IN  
BOUND VOLUMES

HGB  
Winston-Salem, NC

UNITED STATES OF AMERICA

BEFORE THE NATIONAL LABOR RELATIONS BOARD

UNITED STATES INFRASTRUCTURE CORPORATION  
(USIC)

Employer

and

Case 11-RD-000732

RALPH FINLEY

Petitioner

and

COMMUNICATIONS WORKERS OF AMERICA,  
LOCAL 3682

Union

DECISION AND ORDER REMANDING

The National Labor Relations Board, by a three-member panel, has considered challenges in a mail-ballot election held on September 28, 2011, and the Acting Regional Director's report recommending disposition of them. The election was conducted pursuant to a Stipulated Election Agreement. The tally of ballots shows 53 for and 54 against the Union, with 5 void and 2 challenged ballots, a sufficient number to affect the results.

The Board has reviewed the record in light of the exceptions and briefs and finds that the Employer's exceptions raise substantial and material issues of fact warranting a hearing.

The Employer challenged two ballots because the signature on the outer yellow return envelope supplied in the mail-ballot

kit did not appear to match the name of the voter assigned the key number on the interior blue envelope. Ballot No. 6 was assigned to employee Erin Bass but appeared to have been signed by someone else. Likewise, Ballot No. 46 was assigned to Maurice Grizzard but appeared to have been signed by someone else.

Based on an administrative investigation, the Acting Regional Director found that Bass and Grizzard shared the same mailing address (a post office box), received and mailed their ballots at the same time, and inadvertently "swapped" their return envelopes when assembling their ballots for return to the Regional Office. Having reviewed the record as it stands, however, we find it insufficient to permit review of the Acting Regional Director's findings. Accordingly, we shall remand this proceeding for a hearing for the purpose of receiving evidence to clarify the circumstances surrounding the signing and mailing of the challenged ballots.

#### ORDER

IT IS ORDERED that this case is remanded to the Regional Director for Region 11 pursuant to Section 102.69 of the Board's Rules and Regulations, for the purpose of issuing a notice of hearing before a hearing officer to resolve the issues raised by the Employer's challenges to Ballot Nos. 6 and 46.

IT IS FURTHER ORDERED that at the conclusion of the hearing, the hearing officer shall prepare and cause to be

served on the parties a report containing the resolution of credibility of witnesses, findings of fact, and recommendations to the Board concerning the disposition of the challenges.

IT IS FURTHER ORDERED that thereafter, this case shall be transferred and continued before the Board in Washington, D.C., and that the provisions of Section 102.69 of the Board's Rules and Regulations shall apply to the filing of exceptions to the hearing officer's report.

Dated, Washington, D.C., September 10, 2012.

---

Brian E. Hayes, Member

---

Richard F. Griffin, Jr., Member

---

Sharon Block, Member

(SEAL)

NATIONAL LABOR RELATIONS

BOARD